

# APPLICATION FOR PERMIT

I have etc. to appropriate public waters of the state of Washington as required by SEPA and find that it is: ☐ not an ☒ SURFACE WATER ☒ GROUND WATER

RECEIVED  
JAN 29 1993  
DEPT. OF ECOLOGY

WASHINGTON STATE  
DEPARTMENT OF  
ECOLOGY

\$10.00 MINIMUM STATUTORY EXAMINATION FEE REQUIRED WITH APPLICATION  
(GRAY BOXES FOR OFFICE USE ONLY)

APPLICATION NO. <b>26909</b>	W.R.I.A. <b>1</b>	COUNTY <b>Whatcom</b>	PRIORITY DATE <b>1-29-93</b>	TIME	ACCEPTED <b>SB</b>
APPLICANT'S NAME - PLEASE PRINT <b>Delta Water Association, Inc. c/o Wilson Engineering</b>				Bus. Tel. <b>(206) 733-6100</b>	
				Home Tel.	
				Other Tel.	

ADDRESS (STREET) <b>805 Dupont Street</b>	(CITY) <b>Bellingham</b>	(STATE) <b>Washington</b>	(ZIP CODE) <b>98225</b>
DATE & PLACE OF INCORPORATION IF APPLICANT IS A CORPORATION <b>Lynden, WA 1954</b>			

1. SOURCE OF SUPPLY	
IF SURFACE WATER SOURCE (NAME OF STREAM, LAKE, SPRING, ETC.) (IF UNNAMED, SO STATE)  TRIBUTARY	IF GROUND WATER SOURCE (WELL, TUNNEL, INFILTRATION TRENCH, ETC.) <b>Wells #2(west) &amp; #3(east) 2 wells</b> SIZE AND DEPTH <b>8" X 75 &amp; 10" x 73</b>

2. USE	
USE TO WHICH WATER IS TO BE APPLIED (DOMESTIC SUPPLY, IRRIGATION, MINING, MANUFACTURING, ETC.) <b>Community and Dairy farming (no irrigation) Community domestic supply &amp; stock raising</b>	
ENTER QUANTITY OF WATER REQUESTED USING UNITS OF: CUBIC FEET PER SECOND (CFS) <b>OR</b> GALLONS PER MINUTE (GPM) <b>655 292</b>	ACRE FEET PER YEAR <b>484</b>

Application reflects total instantaneous and annual requested, additional annual requested is **292** with no additional instantaneous. **year passed as noted**

TIMES DURING YEAR WATER WILL BE REQUIRED  
**Continuous**

IF IRRIGATION, NUMBER OF ACRES	IF DOMESTIC USE, NUMBER OF UNITS BY TYPE, E.G. 1-HOME, 1-MOBILE HOME, 2-CAMPSITES, ETC. <b>135 homes 12,000 cows</b>	IF MUNICIPAL USE, ESTIMATED POPULATION 20 YEARS FROM TODAY <b>350</b>
DATE PROJECT WAS OR WILL BE STARTED <b>1986</b>	DATE PROJECT WAS OR WILL BE COMPLETED <b>1988</b>	

3. LOCATION OF POINT OF DIVERSION/WITHDRAWAL					
3A. IF IN PLATTED PROPERTY					
LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)	SECTION	TOWN	RANGE
ALSO, PLEASE ENCLOSE A COPY OF THE PLAT AND MARK THE POINT(S) OF WITHDRAWAL OR DIVERSION					

3B. IF NOT IN PLATTED PROPERTY				
ON ACCOMPANYING SECTION MAPS, ACCURATELY MARK AND IDENTIFY EACH POINT OF DIVERSION, SHOW NORTH-SOUTH AND EAST-WEST DISTANCES FROM NEAREST SECTION CORNER OR PROPERTY CORNER				
ALSO, ENTER BELOW THE DISTANCES FROM THE NEAREST SECTION OR PROPERTY CORNER TO THE DIVERSION OR WITHDRAWAL. <b>135' N and 1105' W of SE corner Section 3</b>				
LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) <b>SE 1/4 SE 1/4</b>	SECTION <b>3</b>	TOWNSHIP N. <b>40</b>	RANGE (E. OR W.) W.M. <b>3E</b>	COUNTY <b>Whatcom</b>

4. DO YOU OWN THE LAND ON WHICH THIS SOURCE IS LOCATED. IF NOT, INSERT NAME & ADDRESS OF OWNER <b>99 year Easement (see attached copy)</b>
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5. LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED
ATTACH A COPY OF THE LEGAL DESCRIPTION OF THE PROPERTY (ON WHICH THE WATER WILL BE USED) TAKEN FROM A REAL ESTATE CONTRACT, PROPERTY DEED OR TITLE INSURANCE POLICY. OR, COPY CAREFULLY IN THE SPACE BELOW:
<b>Sections 35 &amp; 36, T. 41N, R. 2E, Sections 1, 2, 11, 12, 13 &amp; 14, T. 40N, R. 2E., Sections 31, 32, 33 &amp; 34, T 41N., R. 3E. and Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 &amp; 18 T. 40N., R. 3E. W.M.</b>



WHAT IS YOUR INTEREST IN THE PROPERTY ON WHICH THE WATER IS TO BE USED (PROPERTY OWNER, LESSEE, CONTRACT PURCHASER, ETC.)  
**Engineer representing water association**  
ARE THERE ANY EXISTING WATER RIGHTS RELATED TO THE LAND ON WHICH THE WATER IS TO BE USED (INCLUDING WATER PROVIDED BY IRRIGATION DISTRICTS OR DITCH COMPANIES.) ☐ YES ☐ NO  
IF YES, FROM WHAT SOURCE (i.e. SURFACE OR GROUND WATER) AND UNDER WHAT AUTHORITY

6. DESCRIPTION OF SYSTEM PROPOSED OR INSTALLED  
(FOR EXAMPLE: SIZE OF PUMP, CAPACITY OF PUMP, PUMP MOTOR HORSE POWER, PIPE DIAMETER, NUMBER OF SPRINKLERS, ETC.)

West Well (#2) TT450 - 30 HP submersible 450 gpm  
East Well (#3) 803H - 20 HP Turbine 200gpm

REMARKS  
7. This is an intensely dairy farmed area that is projected to support 12,000 cows at 36 gal. per day/cow including residential use or 484 AC-FT/YR

8. COMPLETE THIS SECTION ONLY IF THIS APPLICATION INCLUDES IRRIGATION AS A USE

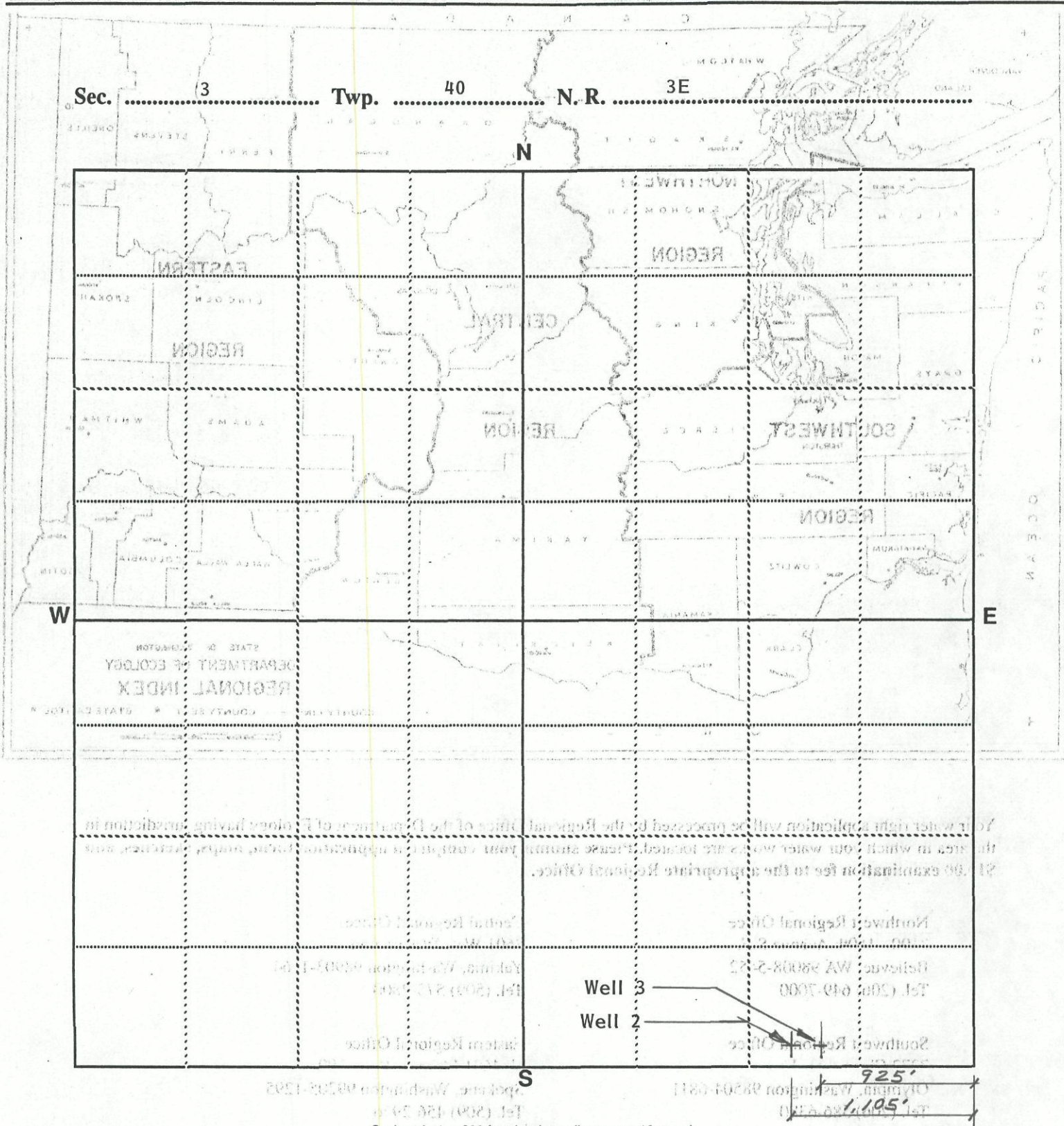
IN ORDER TO IMPLEMENT THE PROVISIONS OF INITIATIVE MEASURE NUMBER 59, THE FAMILY FARM WATER ACT WHICH WAS PASSED BY THE VOTERS ON NOVEMBER 3, 1977, WE MUST ASK THE FOLLOWING QUESTIONS:  
DOES THE TOTAL NUMBER OF ACRES IN WHICH YOU HAVE CONTROLLING INTEREST IN THE STATE OF WASHINGTON EXCEED 2000 ACRES FOR THE FOLLOWING THREE CATEGORIES:  
1. LANDS THAT ARE BEING IRRIGATED UNDER WATER RIGHTS ACQUIRED AFTER DECEMBER 8, 1977. YES ☐ NO ☐  
2. LANDS THAT MAY BE IRRIGATED UNDER APPLICATIONS NOW ON FILE WITH THE DEPARTMENT OF ECOLOGY. YES ☐ NO ☐  
3. LANDS THAT MAY BE IRRIGATED UNDER THIS APPLICATION. YES ☐ NO ☐  
IF 10 ACRE-FEET OR MORE OF WATER IS TO BE STORED AND/OR IF THE WATER DEPTH WILL BE 10 FEET OR MORE AT THE DEEPEST POINT, A STORAGE PERMIT MUST BE FILED IN ADDITION TO THIS PERMIT. THESE FORMS CAN BE SECURED TOGETHER WITH INSTRUCTIONS, FROM THE DEPARTMENT OF ECOLOGY.

SIGNATURES  
APPLICANT'S SIGNATURE  
LEGAL LANDOWNERS NAME (PLEASE PRINT)  
LEGAL LANDOWNER'S SIGNATURE (OWNER OF PROPERTY DESCRIBED IN ITEM NUMBER 5)  
LEGAL LANDOWNER'S ADDRESS

FOR OFFICE USE ONLY  
STATE OF WASHINGTON  
DEPARATMENT OF ECOLOGY  
This is to certify that I have examined this application together with the accompanying maps and data, and am returning it for correction or completion as follows:  
In order to retain its priority date, this application must be returned to the Department of Ecology, with corrections, on or before , 19.  
Witness my hand this day of , 19.



# SECTION MAP



Show by a cross (X) the location of point of diversion (surface water source) or point of withdrawal (ground water source). For ground water applications, show by a circle (O) the locations of other wells or works within a quarter of a mile. Indicate traveling directions from nearest town in space below.

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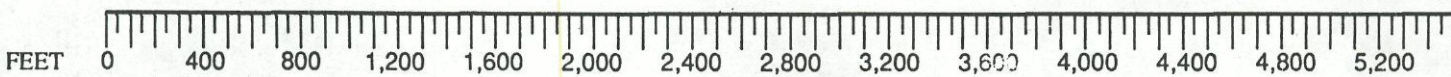
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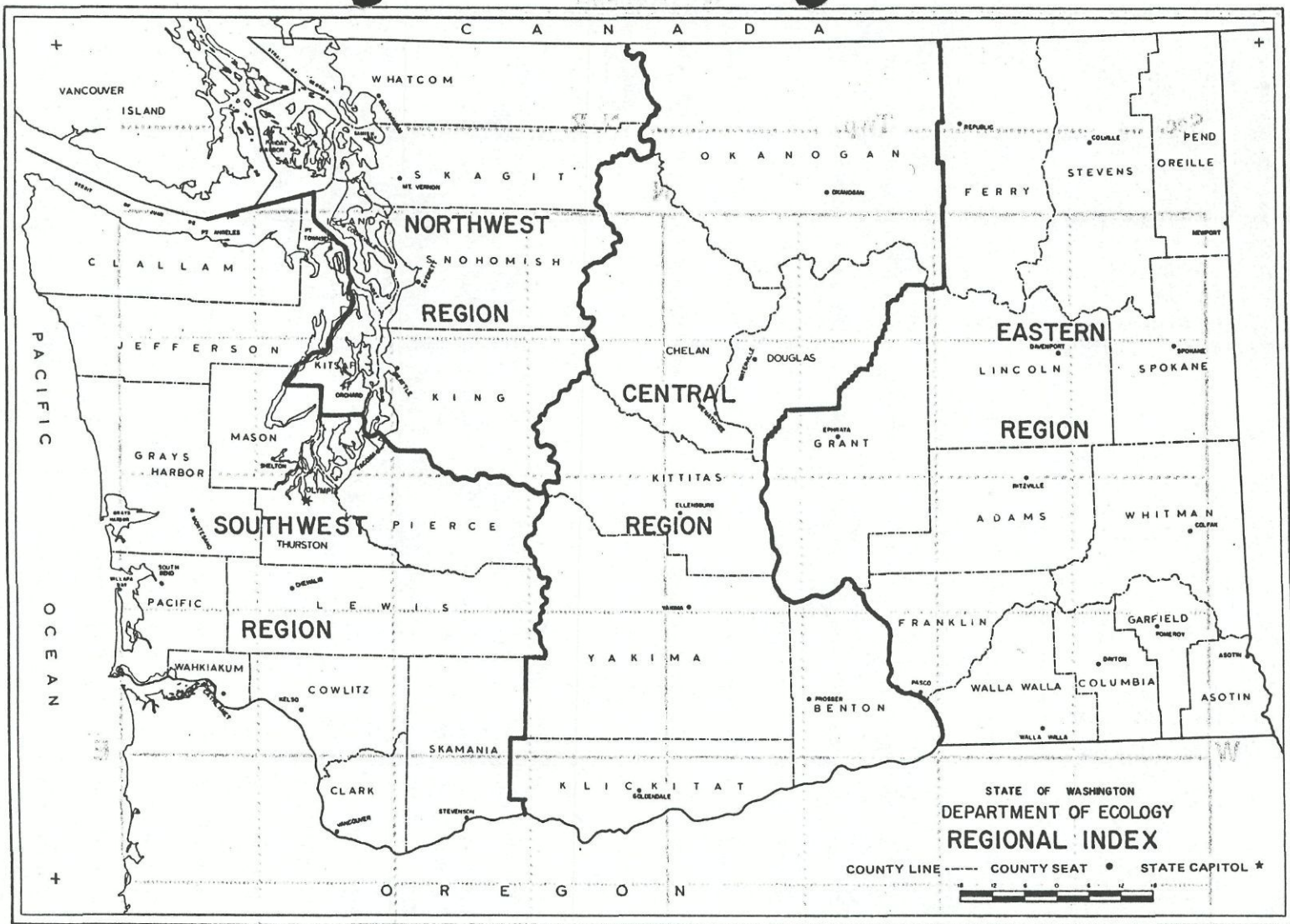
Detach here

Fold along scale



Detach this scale at the perforation, fold excess paper under or cut off excess by cutting along the scale line. This scale corresponds to the SECTION MAP above. You can read feet directly from this scale to outline properly and locate points of diversion or withdrawal on the SECTION MAP. Enclose this map along with the application and \$10.00 examination fee.





Your water right application will be processed by the Regional Office of the Department of Ecology having jurisdiction in the area in which your water works are located. Please submit your completed application form, maps, sketches, and \$10.00 examination fee to the appropriate Regional Office.

**Northwest Regional Office**  
3190 - 160th Avenue S.E.  
Bellevue, WA 98008-5452  
Tel. (206) 649-7000

**Central Regional Office**  
3601 West Washington  
Yakima, Washington 98903-1164  
Tel. (509) 575-2800

**Southwest Regional Office**  
7272 Cleanwater Lane  
Olympia, Washington 98504-6811  
Tel. (206) 586-6380

**Eastern Regional Office**  
N. 4601 Monroe, Suite 100  
Spokane, Washington 99205-1295  
Tel. (509) 456-2926

The appropriate Regional Office will be happy to answer any further questions you may have.



## EASEMENT

The GRANTORS, MARVIN VAN MERSBERGEN and CAROL VAN MERSBERGEN, husband and wife, and MARK VAN MERSBERGEN and BEVERLY VAN MERSBERGEN, husband and wife, for and in consideration of \$10.00 (10) and other good and valuable consideration to them in hand paid, convey and Quit Claim to DELTA WATER ASSOCIATION an easement with a term of ninety-nine (99) years, granting DELTA WATER ASSOCIATION right to drill and maintain water wells and install pumps and equipment, as well as additional wells together with the unlimited right to enter the premises to maintain the above described equipment and any other equipment, all with respect to that certain real property which is more fully described as follows:

That portion of the West half of the Southeast quarter of the Southeast quarter of Section 3, Township 40 North, Range 3 East of W.M., described as follows:

Beginning at the Southwest corner of the above-described property; thence East 106 feet to the point of beginning; thence North 230 feet; thence East 400 feet; thence South 230 feet; thence West 400 feet to the point of beginning, LESS roads.

Situate in Whatcom County, Washington.

This easement is subject to the following terms and conditions:

1. TERM. The GRANTORS agree that the GRANTEES shall have a right to the easement described above for a term of ninety-nine (99) years which the parties agree commenced on June 1, 1986, and which shall terminate on June 1, 2085.
2. TAXES. Real property taxes incurred with respect to the subject premises during the term of easement shall be the GRANTORS obligation. Any personal property taxes arising on account of the equipment placed on the premises by the GRANTEES shall be the GRANTEES obligation.
3. INSURANCE. The GRANTEE shall be fully responsible to insure any property they place on the premises against losses due to wind or fire and in addition the GRANTEE shall be responsible to provide liability insurance for their protection only.
4. MAINTENANCE OF PREMISES. The GRANTEE shall maintain the premises which are the subject of the easement in a professional manner keeping the premises neat and clean at all times during the term of the easement.
5. RIGHT TO PURCHASE WATER SHARE. During the term of this easement, the GRANTEE guarantees that the GRANTORS, or the survivors of the group of the four of them, shall have the personal right to purchase a water share from the GRANTEE at the then going rate and at the time that the GRANTORS choose to purchase the water share.
6. TERMINATION. If during the term of this easement, the GRANTEES discontinue the use of the subject premises for the production of water for a period of time over one (1) year, the easement shall thereupon be immediately be terminated and the premises shall revert to the GRANTORS.



7. FENCE. If required by the Whatcom County Health Department or any other governmental agency, the GRANTEES shall fence the premises and shall also comply with any other governmental regulations with respect to the operation of the water wells on the demised premises.

8. RECORDING. The Easement shall be executed in recordable form, and at the GRANTEES election, this Easement may be recorded with the Auditor of Whatcom County, Washington, at the GRANTEES expense.

IN WITNESS WHEREOF the parties hereto have executed this Easement and Agreement as of the day and year first above written.

GRANTORS:

Marvin Van Mersbergen  
Marvin Van Mersbergen

Carol Van Mersbergen  
Carol Van Mersbergen

Mark Van Mersbergen  
Mark Van Mersbergen

Beverly Van Mersbergen  
Beverly Van Mersbergen

GRANTEES:

DELTA WATER ASSOCIATION

By: Dennis DeBoer Pres.

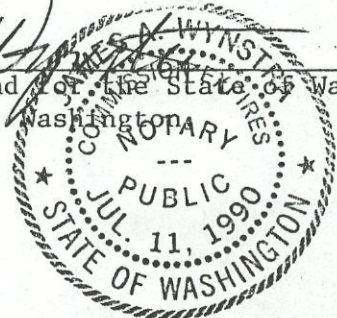
By: Jonathan Hayter Sec.

STATE OF WASHINGTON)  
 ) ss.  
COUNTY OF WHATCOM )

On this day personally appeared before me MARVIN VAN MERSBERGEN and CAROL VAN MERSBERGEN, to me known to be the individuals described in and who executed the within and foregoing instrument and acknowledged to me that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 19 day of September, 1988.

James A. Wynstra  
NOTARY PUBLIC in and for the State of Washington,  
residing at Lynden, Washington.

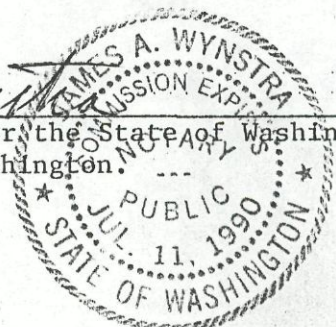


STATE OF WASHINGTON)  
 ) ss.  
COUNTY OF WHATCOM )

On this day personally appeared before me MARK VAN MERSBERGEN and BEVERLY VAN MERSBERGEN, to me known to be the individuals described in and who executed the within and foregoing instrument and acknowledge to me that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 19 day of September, 1988.

James A. Wynstra  
NOTARY PUBLIC in and for the State of Washington,  
residing at Lynden, Washington.





STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF WHATCOM )

On this 19 day of September, 1988, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared Dennis De Boer and Jonathan Hayter to me known to be the President and Secretary, respectively of DELTA WATER ASSOCIATION, the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that Hayter authorized to execute the said instruments and that the seal affixed is the corporate seal of said corporation.

Witness my hand and official seal hereto affixed the day and year first above written.

NOTARY PUBLIC in and for the State of Washington,  
residing at Lynden, Washington

